

***SURFACE TRANSPORTATION BOARD***

Washington, DC 20423

Office of Economics, Environmental Analysis, and Administration

David Pollack  
Kentucky Heritage Council  
300 Washington Street  
Frankfort, KY 40601

February 17, 2005

**Re: STB Docket No. AB - 876X, R.J. Corman Equipment Company,  
LLC -- Abandonment Exemption -- in Johnson, Magoffin, and  
Breathitt Counties, KY**

Dear Mr. Pollack:

I am writing regarding a rail line abandonment proceeding currently pending before the Surface Transportation Board (Board). As you may know, R.J. Corman Railroad Company/Bardstown Line (RJCR) and R.J. Corman Equipment Company (RJCE) filed a petition for exemption with the Board seeking approval authority for RJCE to abandon and RJCR to discontinue service over an approximately 36.08-mile railroad line in Johnson, Magoffin, and Breathitt Counties, Kentucky. The Board's approval of the abandonment is considered an undertaking under Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (NHPA) and is thus covered under its provisions.<sup>1</sup>

The Section of Environmental Analysis (SEA) is the office within the Board responsible for conducting the environmental review process pursuant to the National Environmental Policy Act (NEPA), including the NHPA. SEA has reviewed the proposed project and, pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the NHPA at 36 CFR 800.5(c) and 36 CFR 800.8, believes that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. Therefore, SEA has concluded that there are **No Historic Properties Affected** for this undertaking, in accordance with 36 CFR 800.4(d)(1). Please inform SEA within the 30 day specified time frame if you object to this finding.

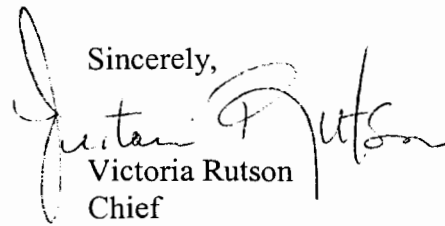
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<sup>1</sup> We note that the railroad is currently in negotiations for a trails use agreement on the line under the National Trails System Act, 16 U.S.C. 1247(d). If a trails use agreement is reached, abandonment of the line would be postponed until such time that the provisions of the agreement are terminated.

Enclosed please find a statement indicating our compliance with the documentation requirements of 36 CFR 800.11(d). The documentation for this finding, as specified at 36 CFR 800.11(e), consists of the railroad's Historic Report, all relevant correspondence, and the Environmental Assessment, which have been provided to your office and made available to the public. However, we have also included copies here for your convenience. SEA believes that our environmental review meets the intent and goals of NEPA, including 36 CFR 800.11 and 36 CFR 800.2(d)(2) (See 49 CFR 1105.8), and that the Section 106 process has been properly completed for this case.

SEA is committed to ensuring proper completion of the Section 106 process and we look forward to working with you in the future. If you have any questions, please do not hesitate to call me or Christa Dean at (202) 565-1606.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Rutson". The signature is fluid and cursive, with a large initial "V" and "R".

Victoria Rutson  
Chief

Section of Environmental Analysis

#### Attachments

cc: Thomas Litwiler, Fletcher & Sippel, LLC  
Steve Allen

## Statement of Compliance

### **36 CFR 800.11(d) Finding of no historic properties affected. Documentation shall include:**

**(1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;**

- In July 2004, R.J.Corman Equipment Company, LLC sent to the Kentucky Heritage Council (State Historic Preservation Office or SHPO) an Historic Report as required by the Surface Transportation Board's (Board) environmental rules. See 49 CFR 1105.8(a). The Historic Report described the nature of the proposed abandonment and area of potential effects, the history of carrier operations in the area, and properties 50 years old or older. The railroad also included maps of the area and photographs of the bridges on the line.

**(2) A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to 800.4(b);**

The railroad solicited comments from the SHPO, as well as other Federal, state, and local entities regarding the proposed abandonment.

- Pursuant to the requirements of the National Environmental Policy Act and Section 106 of the National Historic Preservation Act, the Board's Section of Environmental Analysis (SEA) prepared an Environmental Assessment (EA) that was served on November 5, 2004. In the EA, SEA indicated that there are 35 bridges and several tunnels on the line.
- SEA placed all material regarding the proposed abandonment in the public docket and solicited comments from agencies, interested parties, and the public on the EA.
- SEA has consulted with the SHPO, railroad, and other concerned or interested parties.

**(3) The basis for determining that no historic properties are present or affected;**

- The rail line is composed of continuous welded rail, or steel ribbon rail, that was laid between 1974 and 1988. According to the railroad, major tie

replacement and resurfacing occurred in 1999. Thus, the existing line is not 50 years old or older and is not eligible for listing in the National Register.

- The Historic Report indicates that there are 35 bridges located on the line that may be 50 years old or older, and there are two tunnels on the line that were likely constructed during the period between 1913 and 1920. The majority of the bridges are described as simple, timber trestle design, and the remaining bridge structures are deck plate girder bridges. The bridges and tunnels are described as common in design, style, and material, and the railroad states that it has no plans to remove or alter these structures. Thus, we do not believe they meet any of the National Register eligibility criteria required for listing.
- The railroad states that no subsurface disturbance is planned. Substantial ground surface disturbance occurred when the line was constructed 70 -90 years ago. However, for this planned abandonment, the railroad intends only to salvage rail, ties, and track materials. The tunnels, bridges, railbed, and subgrade will remain undisturbed.

#### No Historic Properties Affected

Based on the information provided to date, SEA has determined that the proposed rail abandonment would not affect historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register). Accordingly, the Board finds that there are No Historic Properties Affected for this undertaking in accordance with 36 CFR 800.4(d)(1). Once 30 days have passed, SEA will recommend that the Board remove the Section 106 condition in this proceeding. Therefore, please inform SEA within the 30 day specified time frame if you object to this finding.

**THE FOLLOWING DOCUMENTS ARE ATTACHED FOR YOUR REVIEW:**

- NOVEMBER 5, 2004 ENVIRONMENTAL ASSESSMENT
- RAILROAD'S PETITION FOR EXEMPTION
- ENVIRONMENTAL AND HISTORIC REPORTS
- MAP
- LIST OF THE STRUCTURES ON THE LINE AND COLOR PHOTOGRAPHS
- MAY 21, 2004 LETTER NOTIFYING THE KENTUCKY HERITAGE COUNCIL ABOUT THE PROPOSED ABANDONMENT AND CERTIFICATE OF SERVICE

\* THESE DOCUMENTS ARE ALSO AVAILABLE ON THE SURFACE TRANSPORTATION BOARD'S WEB SITE AT [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).